

with the publication of this Amended Notice.

Under 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on October 5, 1999, a proposed Consent Decree in *United States v. ASARCO, Inc., et al.*, Civil Action No. 99-1399, was lodged with the United States District Court for the District of Kansas.

This Consent Decree settles claims against ASARCO, Incorporated, Cyprus Amax Minerals Company, Gold Fields Mining Corporation, Blue Tee Corp., NL Industries, Inc., The Doe Run Resources Corporation and Sun Company, Inc. In this action, brought pursuant to Sections 106 and 107 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9696 and 9607 and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973, on behalf of the United States Environmental Protection Agency (EPA), the United States sought the performance of response work by the defendants at the Baxter Springs and Treece Subsites (the Subsites) of the Cherokee County Superfund Site in Cherokee County, Kansas pursuant to the Record of Decision, dated August 20, 1997 (ROD). Additionally, the United States sought reimbursement of pass response costs as well as future oversight costs. Under the Consent Decree, defendants will perform response work in accordance with the ROD, will provide a cash payment for EPA to perform institutional controls, and will reimburse the United States for one half of future EPA oversight costs. In exchange, defendants will receive a covenant not to sue pursuant to Sections 106 and 107(a) of CERCLA, and Section 7003 of RCRA relating to the Subsites, subject to all standard reservations and reopeners. In addition, defendants will receive contribution protection under Section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2), and will receive forgiveness of EPA's past costs at the Subsites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. In addition, the United States will provide for a public meeting pursuant to Section 7003(d) of RCRA if requested within thirty days from the date of publication of this notice. Comments or requests for a public meeting should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. ASARCO, Inc. et al.*, D.J. Ref. 90-11-2-06017.

The Consent Decree may be examined at U.S. EPA—Region VII 901 N. 5th

Street, Kansas City, Kansas 66101. A copy of the Consent Decree may be obtained by mail from Consent Decree Library, Department of Justice, P.O. Box 7611, Washington, D.C. 20044. In requesting a complete copy with all Attachments, please enclose a check in the amount of \$87.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy of the Consent Decree without Attachments, please enclose a check in the amount of \$24.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
[FR Doc. 99-29510 Filed 11-10-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice of hereby given that on October 29, 1999, the United States filed a proposed Consent Decree in *United States v. USX Corporation*, Civ. Action No. 99-1783, in the United States District Court for the Western District of Pennsylvania.

The United States' claims resolved by the Decree with USX Corporation ("USX") are described in a Complaint filed contemporaneously with the Decree. The claims arise out of USX's alleged violations of Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), occurring at USX's Edgar Thomson Steel Mill in Braddock, Pennsylvania (the "Edgar Thomson Plant"). The Complaint seeks injunctive relief and civil penalties for USX's alleged violations of the federally-enforceable Pennsylvania State Implementation Plan (SIP). Specifically, the Complaint alleges that, in 1996 and 1997, visible emissions from the scrubber stack at the Edgar Thomson Plant exceeded the opacity limits established in the Allegheny County portion of the Pennsylvania SIP. Allegheny County is a co-signatory to the Consent Decree, and a plaintiff-intervenor in the Complaint.

Under the terms of the settlement, USX will pay a civil penalty of \$550,000 and will undertake implementation of five Supplemental Environmental Projects ("SEPs") worth over \$1.6 million. These SEPs include: (1) The installation of a continuous caster flux baghouse to capture fluoride in USX's wastewater stream; (2) the injection of natural gas into the liquid steel vessels to reduce the amount of airborne

emissions; (3) pavement of plant roadways and upgrade of its scrap metal storage area to reduce emissions; (4) enhancements to its gas cleaning equipment; and (5) replacement of numerous electrical transformers containing a dielectric fluid with polychlorinated biphenyl (PCB) concentration in excess of 50 parts per million.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. USX Corporation*, DOJ Ref. 90-5-2-1-2175.

The proposed consent decree may be examined at either U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, Department of Justice, Environmental Enforcement Section, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the Consent Decree, please enclose a check in the amount of \$12.25 (25 cents per page reproduction cost) for the Consent Decree alone, and \$75.50 for the Consent Decree with all exhibits attached. Checks must be payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the ATM Forum

Notice is hereby given that, on April 15, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the ATM Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Oresis Communications, Inc., Portland, OR; Covad